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May 3, 2016

BY HAND DELIVERY

Mr. Dan Petalas
Acting General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Matter Under Review 7040 - Response of Bernie 2016 and Susan Jackson in her capacity as Treasurer

Dear Mr. Petalas:

This response is submitted on behalf of the above-referenced respondents in relation to the April 13, 2016, letter from the Commission notifying Bernie 2016 (the "Campaign") and Ms. Jackson (collectively, "Respondents") of a complaint ("Complaint") filed by Brad Woodhouse of the American Democracy Legal Fund ("Complainant"), designated by the Commission as MUR 7040.

For the reasons set forth below, and pursuant to 52 U.S.C. § 30109, the matter should be dismissed.

I. The Complaint Alleges No Violation of Law Because it Does Not Allege the Campaign Accepted Excessive Contributions in Violation of 11 CFR 103.3(b)(3)

If only the Complainant had consulted Section 103.3(b)(3) of the Commission's regulations, he would have discovered that the Campaign – and any political committee for that matter – has 60 days from receipt of a seemingly excessive contribution to cure the excessive portion of the contribution either through redesignation or reattribution. And only then, after a committee has been unable to cure within the 60-day period, must the committee refund the excessive portion of a contribution.



Specifically, Section 103.3(b)(3) of the Commission's regulations states:

Contributions which on their face exceed the contribution limitations set forth in 11 CFR 110.1 or 110.2, and contributions which do not appear to be excessive on their face, but which exceed the contribution limits set forth in 11 CFR 110.1 or 110.2 when aggregated with other contributions from the same contributor . . . may be either deposited into a campaign depository under 11 CFR 103.3(a) or returned to the contributor. If any such contribution is deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 CFR 110.1(b), 110.1(k) or 110.2(b), as appropriate. *If a redesignation or reattribution is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor.*¹

As indicated in the Complaint, on November 3, 2015, the Commission sent a Request for Additional Information ("RFAI") to the Campaign related to the Campaign's 2015 October Quarterly Report (the "October Quarterly RFAI")² and then on February 11, 2016, sent an RFAI related to the Campaign's 2015 Year-End Report (the "Year-End RFAI").³ On December 8, 2015, the Campaign timely responded to the October Quarterly RFAI⁴ and on March 17, 2016, the Campaign timely responded to the Year-End RFAI.⁵ In both responses, the Campaign provided timely and thorough answers to the RFAs, listing each and every identified apparent excessive contribution and providing, for each, complete information regarding how the contribution had been either timely reattributed or timely refunded in complete compliance with Section 103.3(b)(3) of the Commission's regulations.

II. Conclusion

The Complaint simply does not allege a violation of any Commission regulation and therefore amounts to nothing more than an abuse of the Commission's limited resources. Because the Campaign has fully

¹ 11 C.F.R. § 103.3(b)(3)(emphasis added); see also 11 C.F.R. §§ 110.1(b)(5), *et seq.* (redesignations); 110.1(k)(3), *et seq.* (reattributions); Federal Election Commission Campaign Guide, *Congressional Candidates and Committees*, pp. 24-26 (June 2014).

² The October Quarterly RFAI is available at

<http://docquery.fec.gov/pdf/695/201511030300006695/201511030300006695.pdf>.

³ The Year-End RFAI is available at <http://docquery.fec.gov/pdf/988/201602110300034988/201602110300034988.pdf>.

⁴ The Campaign's response to the October Quarterly RFAI is available at

<http://docquery.fec.gov/pdf/318/201512089004153318/201512089004153318.pdf>.

⁵ The Campaign's response to the Year-End RFAI is available at

<http://docquery.fec.gov/pdf/443/201603179009779443/201603179009779443.pdf>.



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complied with Section 103.3(b)(3) of the Commission's regulations, the Complaint should be summarily dismissed.

Respectfully Submitted,

Brad Deutsch
Counsel to Bernie 2016

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